

State Survey on Retaliatory Taxes

Alabama

§ 27-3-29

When taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements, etc. charged Alabama insurers would exceed those imposed by Alabama on similar insurers, a retaliatory tax will be imposed. Taxes imposed by political subdivisions are considered imposed by the state. All fees and taxes are aggregated on a separate retaliatory tax form, PG.

Alaska

§ 21.09.270

If taxes, licenses and fees in the aggregate and fines, penalties, deposit requirements, etc. imposed on Alaska insurers or representatives is in excess of charges Alaska makes on similar insurers or representatives, a retaliatory fee will be imposed. Does not apply to personal income taxes or to ad valorem taxes on property or to special purpose assessments imposed in connection with other than property insurance, except that deductions from premium taxes or other taxes otherwise payable allowed on accounts of real estate or personal property taxes paid shall be taken into consideration. A health care insurer may not include taxes, assessments, or other similar obligations on health care insurance premiums received from the state, a municipality, a city or borough school district, a regional educational attendance area, the University of Alaska or a community college operated by the University of Alaska.

Arizona

§ 20-230

When by or pursuant to the laws of any other state any premium or income or other taxes, or any fees, fines, penalties, licenses, deposit requirements or other material obligations are, in the aggregate, in excess of those Arizona applies to similar insurers domiciled in other states, a retaliatory amount is due. Any tax, license or other obligation imposed by any city, county or other political subdivision is deemed to be imposed by the state. Does not apply to ad valorem, taxes on real or personal property, or personal income taxes or to assessments on or credits to insurers for the payment of claims of policyholders of insolvent insurers. Arizona Administrative Code R20-6-205 prescribes the method and administration of the addition to the rate of tax for calculation of the burden of any tax, license or other obligation imposed by any city, county or other political subdivision of a state or foreign country on Arizona insurers on an aggregate statewide or countrywide basis.

Arkansas

§ 23-63-102

The same taxes, licenses, and other fees, in the aggregate, and the same fines, penalties, deposit requirements or other material requirements, obligation, prohibitions, or restrictions that are imposed upon an Arkansas insurer by another state, will be imposed as a retaliatory tax or fee upon insurers of that state. Pursuant to Act 1965 of 2005, this section no longer applies to application fees, examination fees, license fees, appointment fees and continuation fees for agents and producers, adjusters, services representatives or consultants, or to personal income taxes, ad valorem taxes on real or personal property or to special purpose obligations, fees or assessments imposed by the other state in connection with particular kinds of insurance other than on property insurance. Deductions from premium taxes or other taxes allowed because of real or personal property taxes paid will be considered in determining the extent of retaliatory action under this section. This section shall not apply to any foreign insurer if more than 15% of its capital stock is owned by a corporation organized under the laws of this state and domiciled within this state.

California

California Constitution Article XIII, Section 28(f)(3), I.C. §§ 685, 685.1

If any taxes, licenses and fees, in the aggregate, and any fines, penalties, deposits and other material obligations imposed on California insurers, and their representatives are in excess of the amounts charged similar insurers and their representatives by California, a retaliatory tax shall be imposed. Law does not apply to ad valorem taxes imposed by another state or country, unless allowed as a deduction from premium taxes due.

Colorado

§ 10-3-209

If any taxes and fees in the aggregate, fines, penalties, deposits or other obligations imposed on Colorado insurers exceed those Colorado imposes on a similar insurer organized under the laws of another state, a retaliatory tax will result.

Connecticut

§ 12-211

If the premium or income or other taxes or any fees, fines, penalties, claims or deposits imposed on Connecticut insurers are in excess of those Connecticut charges foreign insurers, figured on an aggregate state-wide basis, retaliation will occur. Any tax obligation imposed by a city, county or other political subdivision will be deemed to be imposed by the state. This does not apply to guaranty fund assessments except where another state imposes upon Connecticut insurers retaliatory charges for these assessments.

Delaware

tit. 18 § 532

If any taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements, etc. imposed on Delaware insurers or agents are in excess of those Delaware imposes on similar insurers, a retaliatory tax will be imposed. Shall not apply to personal income tax or to ad valorem taxes on real or personal property or to special purpose obligations or assessments imposed by another state in connection with insurance other than property insurance.

District of Columbia

§ 47-2610

When a state charges District of Columbia domiciled companies aggregate taxes which exceed the aggregate taxes that the District charges similar companies, retaliation occurs. When a state charges fines, deposits and other obligations in excess of those the District charges foreign insurers, retaliation may occur. This does not apply to personal income taxes, ad valorem taxes on real or personal property, and any special assessments charged by a state in connection with insurance other than property insurance. The District of Columbia does not include fees in the retaliatory tax computation

Florida

§ 624.5091, Rule. 12B-8.016

When another state charges taxes, licenses and fees in the aggregate, and any fines, penalties, deposit requirements, etc., to Florida insurers and agents that exceed the taxes, licenses, and fees, in the aggregate, or fines, penalties, deposit requirements that Florida imposes on similar insurers or agents, retaliation will occur. Any tax or license fee imposed by a city, county or other jurisdiction shall be deemed imposed by the state. A “similar insurer,” is an insurer with identical premiums, personnel and property to that of the foreign insurer. This section does not apply to personal income taxes, nor to sales or use taxes, nor to ad valorem taxes on real or personal property, nor as to reimbursement premiums paid to the Florida Hurricane Catastrophe Fund, nor as to emergency assessments paid to the Florida Hurricane Catastrophe Fund, nor to special purpose assessments in connection with types of insurance other than property insurance.

Rule 12B-8.016

The State Fire Marshal regulatory assessment, the State Fire Marshal college surcharge and the Florida Insurance Guarantee Association assessment that was imposed upon the insurer’s property insurance policies shall be included in the retaliatory calculations. If the state of domicile imposes a comparable assessment on a similar Florida insurer, the foreign or alien insurer must include that portion of the state of domicile’s assessment that would relate to the similar insurer’s property insurance premiums.

Georgia

§ 33-8-2

Fees or taxes imposed on Georgia agents and brokers subject to retaliation.

§ 33-3-26

When another state charges taxes, licenses and other fees in the aggregate and any fines, penalties, deposit requirements or other obligations upon Georgia insurers or their representatives which are in excess of those Georgia charges similar insurers or their representatives, retaliation will occur. Any tax imposed by a political subdivision will be deemed imposed by the state.

Hawaii

Hawaii does not impose retaliatory taxes.

Idaho

§ 41-340

When any taxes in the aggregate assessed against Idaho insurers are greater than Idaho would assess against similar insurers, retaliation will occur. Any taxes assessed by political subdivisions are considered assessed by the state. This shall not apply to personal income taxes, ad valorem taxes on real or personal property nor to special use assessments imposed on particular kinds of insurance other than property insurance. When an obligation is imposed on Idaho insurers or their producers in excess of obligations imposed on similar insurers or producers of another state or country, the same obligation will be imposed on insurers or producers seeking to do business in Idaho. "Obligation" includes license, fee, fine, penalty, deposit requirement, prohibition or restriction.

§ 41-288

If any state imposes a sanction, fine, penalty, or deposit requirement on any Idaho-domiciled insurer because of failure of Idaho to receive or maintain accreditation, the Idaho director shall impose the same requirement on insurers domiciled in that state.

Illinois

215 ILCS 5/444, Reg. 2515.10 to 2515.100

Any taxes, licenses or other fees in the aggregate, or any fines, penalties, deposit requirements as would be imposed on Illinois insurers as a condition precedent to their doing business in other states that would exceed those Illinois imposes on insurers, agents or representatives of insurers domiciled in other states, shall result in a retaliatory tax. This tax shall not apply to residual market or special purpose assessments or guaranty fund or guaranty association assessments under the laws of this state and under the laws of any other state or country.

The taxes, licenses or other fees for the Illinois basis includes only those found in Article XXV of the Illinois Insurance Code. Retaliatory tax is calculated in the aggregate for all insurance taxes and fees.

Indiana

§ 27-1-20-12

When the taxes, fines, penalties, licenses, fees, deposits, etc., imposed on Indiana insurers or their agents by other states exceed the amounts imposed by Indiana on similar insurers or agents, retaliation will occur.

Iowa

§ 505.14

If the taxes, fees, fines, penalties, licenses, deposits, or other obligations imposed on Iowa insurers or agents are, in the aggregate, in excess of the taxes, fees, fines, or other obligations that Iowa imposes on insurers of other states, retaliation will occur.

Kansas

§ 40-253

When other states charge Kansas insurers taxes, fees, fines, penalties, licenses, or compensation for examination, including taxes or fees based on fire premiums, or require deposits in excess of those Kansas charges insurers domiciled in other states, retaliation will occur on an aggregate basis. In the case of merger or redomestication; retaliation is based on other states' treatment of the surviving company. Does not apply to special purpose assessments or guaranty association assessments under the laws of this or any other state. A tax offset or credit for an assessment shall be treated as a tax paid for purposes of this section.

§ 91A.080 Local Government Premium Tax

If any state retaliates against Kentucky companies because of the imposition of city or county taxes, Kentucky will impose an equal tax on premiums written in this state by insurers domiciled in that state.

Kentucky

§ 304.3-270

When any other state charges Kentucky insurers or their representatives taxes, licenses or other fees, in the aggregate, and any other fines, penalties, deposit requirements, etc., which are in excess of those Kentucky charges similar insurers, retaliation will occur. This does not apply to personal income taxes, nor to ad valorem taxes or real or personal property, nor to special purpose assessments imposed in connection with insurance other than property insurance. Assessments made by guaranty associations shall not be considered or used in determining retaliatory taxation to be imposed upon insurers doing business in Kentucky but organized under the laws of another state

Louisiana

§ 22:836

When any taxes, fines, penalties, licenses, deposits, etc. in the aggregate are imposed by another state on Louisiana insurers, the same taxes, fines, penalties, licenses, deposits, etc. will be imposed by Louisiana on such other states' insurers or agents. Assessments by insurance guaranty funds are not considered in determining retaliatory taxation.

Maine

24-A M.R.S. § 428, 36 M.R.S. § 2519

When any other state or foreign country charges Maine insurers or representatives taxes, licenses and other fees, in the aggregate, or fines, penalties, deposits requirements, etc., that exceed the taxes, licenses and other fees, in the aggregate, or fines, penalties, deposit requirements, etc., that Maine imposes on similar insurers or representatives of another state or country, the same taxes, licenses and other fees, in the aggregate, or fines, penalties or deposit requirements, or obligations, prohibitions or restrictions shall be imposed upon the insurer or representatives of the other state or country. Any tax, license or other fee imposed by any political subdivision shall be deemed imposed by the state. This section does not apply to personal income taxes, or to ad valorem taxes on real or personal property or to special purpose assessments imposed in connection with particular kinds of insurance except property insurance.

Maryland

Ins. § 6-303

When any taxes, licenses or other fees, in the aggregate, and any other fines, penalties, deposit requirements, etc. imposed on Maryland insurers or their agents exceed the taxes, licenses or other fees, in the aggregate, which Maryland would impose upon insurers or agents of such other state, retaliation will occur. Any tax, license or other fee imposed by any political subdivision shall be deemed imposed by the state. This section shall not apply to personal income taxes or to ad valorem taxes on real or personal property nor to special purpose assessments imposed by another state in connection with particular kinds of insurance other than property insurance, nor to assessments by insurance guaranty associations.

§ 175.159

If under the laws of any other state, fines, taxes, penalties, licenses, fees, deposits, etc. imposed on Massachusetts insurers or their agents are in excess of the amounts Massachusetts charges similar insurers or agents, retaliation will occur. The tax return only provides a place for retaliation against other taxes. Retaliation against fees and other charges is computed separately.

§ 63:21

Every foreign life insurer shall pay sum equal to excess of the amount of tax which would be imposed in the same year by the laws of the state or country under which the company is organized, upon a life insurance company incorporated in Massachusetts, or upon its agents, if doing business to the same extent in that state or country.

§ 63:24A

Insurers in any state which does not impose a retaliatory tax on Massachusetts insurers are not subject to retaliation.

§ 63:23

Every foreign company shall pay tax on gross premiums, less certain deductions, but not less than would be imposed by the laws of the state or country under which company is organized upon a like insurer incorporated in Massachusetts, or upon its agents, if doing business to same extent in same state or country

Michigan

§ 500.476a

If a Michigan insurer is required to make a deposit of securities, or pay taxes, fines, penalties special burdens, or any other burdens greater in the aggregate than required by Michigan law for an insurer of another state, retaliation will occur.

Minnesota

§ 60A.14 Retaliation on fees

When any other state's fines, penalties, licenses or fees are in excess of those Minnesota imposes on foreign insurers or their agents, retaliation will occur.

§ 297L.05 Subd. 11 Retaliation on taxes

When any other state charges taxes, fines, penalties, deposits, or fees on a Minnesota insurer and their agents in the aggregate, in excess of what Minnesota would impose on similar insurers or their agents, retaliation will occur. This provision does not apply to companies domiciled in states which do not impose retaliatory taxes or do enforce on a reciprocal basis. Taxes, fines, deposits, penalties, licenses or fees do not include guaranty fund assessments or special purpose assessments for purposes of retaliation.

The tax on HMO's, fire safety surcharge and automobile theft surcharge are not subject to retaliatory tax. The fire relief surcharge is subject to retaliatory tax.

Mississippi

§§ 27-15-123, 27-15-125

When any other state charges Mississippi insurers or representatives any taxes, licenses or fees, in the aggregate, or fines, penalties, deposit requirements, etc., which exceed those Mississippi charges similar insurers or representatives, retaliation will occur. Any tax or fee charged by a political subdivision shall be deemed imposed by the state. This shall not apply to personal income taxes, nor to ad valorem taxes on real or personal property nor to special purpose assessments except those on property insurance.

Missouri

§ 375.916

If premium taxes or any fees, licenses, penalties deposit requirements or other obligations imposed on Missouri insurers are greater, in the aggregate, than the taxes, fees, licenses, penalties and other requirements Missouri charges similar insurers, retaliation will occur. Any tax, license or fee imposed by any political subdivision shall be considered imposed by the state for purposes of retaliation. This section shall not apply to ad valorem taxes on real or personal property, personal income taxes, or to assessments or credits due to payment of claims of insolvent insurers.

§ 375.017

The department shall not assess a greater fee for an insurance license or related service based solely on the fact the person is not a resident. The license requirements and continuing education requirements are considered satisfied if the non-resident's state is reciprocal.

Montana

§ 33-2-709

If taxes, license and other fees, in the aggregate, and any fines, penalties, deposits and other requirements imposed on Montana insurers and representatives exceed those Montana assesses against similar insurers or representatives, retaliation will occur. This does not apply to fees in connection with licensing producers, ad valorem taxes on real or personal property, or special purpose obligations or assessments imposed on particular kinds of insurance other than property insurance.

Nebraska

§ 44-150

Any taxes, licenses or other fees, in the aggregate, or any fines, penalties, deposit requirements, etc., as would be imposed on Nebraska insurers which would exceed those Nebraska imposes on insurers, agents or representatives of insurers domiciled in other states shall result in a retaliatory tax. Taxes imposed by political subdivisions are considered imposed by the state. This section does not apply to personal income taxes or ad valorem taxes on real or personal property or special purpose obligations or assessments imposed by another state in connection with types of insurance other than property. In the case of merger or redomestication, the home state of the surviving company in a merger as of Dec. 31 at 11:59 p.m. is used for determining retaliatory taxes for the entire year.

§ 44-2417

Assessments made by guaranty funds of other states shall not be considered taxes, licenses or other fees for purposes of retaliation.

Nevada

§ 680A.330

Any taxes, licenses or other fees; in the aggregate, and any fines, penalties, deposit requirements, etc. as would be imposed on Nevada insurers which would exceed those Nevada imposes on insurers, agents or representatives of other states shall result in a retaliatory tax. Taxes imposed by political subdivisions are considered imposed by the state. The law does not apply to personal income taxes; or ad valorem taxes on real or personal property; or special purpose obligations or assessments imposed by another state in connection with some kind of insurance other than property insurance except those taken into consideration by the commissioner in determining the extent of retaliatory action.

New Hampshire

§ 400-A:35

When taxes, fines, penalties, licenses, fees and other obligations imposed on New Hampshire insurers by other states exceed those New Hampshire imposes on other states' insurers, retaliation will occur. New Hampshire retaliates on a tax-for-tax and a fee-for-fee basis on taxes, fines, penalties, licenses, fees, deposits and other obligations, according to the instructions on the tax return.

New Jersey

§ 17:32-15 Insurers Generally

§ 17B:23-5 Life Insurers

Taxes, fees, fines, penalties, licenses, deposit requirements or other obligation imposed upon New Jersey insurers, reciprocals or interinsurance exchanges or upon their agents which are in excess of such items imposed upon New Jersey companies and agents will result in retaliatory tax. Commissioner may compute tax burden on an aggregate statewide basis. Tax obligations imposed by political subdivisions shall be deemed to be imposed by the state. Does not apply to special purpose assessments in connection with particular kinds of insurance.

New Mexico

§ 59A-5-33

Taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other obligations applied to New Mexico insurers, agents and brokers in other states are subject to retaliation. Taxes or fees imposed by any political subdivision are deemed to be imposed by state. Special purpose assessments, or assessments under guaranty funds not considered except assessments for financing public safety, health and protection.

New York

Insurance Law § 1112

If insurers or agents domiciled in New York are required by another state to deposit securities, or pay taxes, fines, penalties, fees or any other sum greater than those required of similar insurers or agents by New York, retaliation will occur. This does not apply to insurers organized in states whose laws do not impose retaliatory taxes or which grant, on a reciprocal basis, exemptions to New York insurers. The Department of Financial Services computes the retaliation in the manner used by the state of domicile and bills the company.

North Carolina

§ 105-228.8

If premium taxes, on an aggregate basis, imposed on North Carolina companies are in excess of the premium taxes directly imposed upon similar companies by North Carolina law, North Carolina shall impose the same rates on such similar companies. If the laws of another state retaliate on North Carolina companies on other than an aggregate basis, the Secretary of Revenue will retaliate on the same basis. Licenses and fees are not included in retaliatory computation.

Retaliatory tax section does not apply to special purpose obligations or assessments based on premiums imposed in connection with particular kinds of insurance, to the special purpose regulatory charge imposed under § 58-6-25 or to dedicated special purpose taxes based on premiums.

North Dakota

§ 26.1-11-06

Whenever other states charge North Dakota insurers, fines, penalties, taxes or deposits higher than North Dakota would charge similar insurers, retaliation will result on an item-by-item basis.

Ohio

§ 5729.06

If the laws of another state, territory, or nation authorize charges for the privilege of doing business therein or taxes against insurance companies organized in this state exceeding the charges provided in §§ 5729.01 to 5729.15, of the Revised Code, like amounts shall be charged against all insurance companies of such state, territory, or nation doing business in this state, instead of the charges provided by said sections.

§ 3901.86

When the laws of any other state, district, territory or nation impose any taxes, fines, penalties, license fees, deposits of money, securities or their obligations or prohibitions on insurance companies of this state doing business in such state, district, territory or nation, or upon their

agents, the same obligations and prohibitions shall be imposed upon insurance companies of such other state, district or nation doing business in the state and upon their agents. Retaliation against fees and taxes in the tax return is made in the aggregate.

Oklahoma

tit. 36 § 628

When taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements, etc., which another state would impose on Oklahoma insurers exceed Oklahoma rates, a retaliatory tax will result. Taxes, licenses or fees imposed by any political subdivision of another state shall be deemed imposed by the state. This section shall not apply to ad valorem taxes on real or personal property. Premium tax, guaranty assessment and filing fees aggregated on the tax form. Pending applications for licensing considered on a fee-by-fee basis.

Oregon

§ 731.854

When taxes, licenses and other fees, in the aggregate, and any fines, penalties, deposit requirements or other obligations, imposed on Oregon insurers by other states exceed those Oregon would impose on similar insurers, retaliation will result. Obligations imposed by political subdivisions or agencies will be considered imposed by the state. This does not apply to personal income taxes, ad valorem taxes on real or personal property or to special purpose assessments in connection with particular classes of insurance, except property insurance.

Pennsylvania

§ 40-1-213; 40 P.S. § 50

If any other states impose taxes, fines, penalties, licenses, fees, etc., on Pennsylvania insurers and agents that are higher in the aggregate than Pennsylvania would impose on similar insurers, retaliation will occur.

Puerto Rico

tit. 26 § 335

If taxes, fees, fines, penalties, licenses, deposit requirements, etc., imposed on Puerto Rico companies or agents are in excess of the taxes, fees, penalties, etc., which Puerto Rico would impose on similar insurers, retaliation will occur. Fees are considered on a fee-by-fee basis.

Any tax or obligation imposed by a city or other political subdivision will be considered imposed by the state for purposes of retaliation. This section does not refer to ad valorem taxes on real or personal property or to personal income taxes. However, the premium tax return contains no provision for the calculation of retaliatory taxes or fees, and the department is only applying the provisions concerning retaliation to nonresident agents and brokers and deposit requirements.

Rhode Island

§ 44-17-1 Division of Taxation

In the case of foreign or alien companies, the tax shall not be less in amount than imposed by laws of state or country under which companies are organized. Calculate upon companies and agents if doing business to same extent; includes premium tax and fire marshal tax, etc.

§ 27-2-17 Division of Insurance

Whenever another state charges fees, taxes, deposits or other obligations to Rhode Island insurers, the same charges will be imposed on other companies doing business in Rhode Island. The tax return calculates retaliation on the taxes only. Fees and licenses are separate. Rhode Island retaliatory gross premium tax rates do not apply to insurance companies incorporated or organized under the laws of a state or country whose laws do not impose retaliatory taxes or other charges.

South Carolina

§ 38-7-90

When the laws of another state would subject South Carolina insurers or agents to fees, taxes, obligations, conditions, restrictions or penalties higher than those South Carolina charges similar insurers and agents domiciled in other states, considered in the aggregate, retaliation will occur. Fees, taxes or other obligations imposed by municipalities are included in the calculation.

South Dakota

§§ 58-6-70 to 58-6-73

If any other state imposes on South Dakota insurers or their agents taxes, licenses or fees, in the aggregate, or fines, penalties, deposit requirements or other material obligations which are in excess of those South Dakota charges similar insurers or agents, retaliation will occur. Charges imposed by political subdivisions are considered imposed by the state.

This provision does not apply to that portion of a life insurance policy's annual premiums exceeding \$100,000 and to that portion of the annual consideration on an annuity contract exceeding \$500,000. (Effective 7/1/08)

This provision shall not apply to ad valorem taxes on property or to special purpose obligations or assessments imposed by another state in connection with particular kinds of insurance other than property insurance; except that deductions allowed on account of property taxes paid shall be taken into account by the department.

Tennessee

§ 56-4-218

When taxes, fees, fines, penalties, licenses, deposit requirements, etc. imposed on Tennessee companies by other states are higher in the aggregate than those Tennessee would charge similar

insurers, retaliation will occur. Any license, tax, etc. imposed by a political subdivision is considered imposed by the state.

Texas

I.C. §§ 281.001 to 281.052

Retaliatory taxes are assessed on those foreign or alien insurers, licensed and doing business in Texas, whose state of domicile would assess in total (aggregate) overall higher taxes, assessment and fee obligations on similar Texas insurers than Texas assesses on such insurers operating in this state. Similar Texas insurers are theoretical companies that could write the same types of coverage, such as “life, accident and health,” “property and casualty,” or “title” lines of insurance, as foreign or alien insurance doing business in Texas. A similar company is not required to be of the same size in premium writings or assets.

This subchapter does not apply to a person, company, firm, association, group, corporation, or insurance organization of any kind from another state that engages in business in this state if at least 15% of the voting stock is owned by a corporation organized under the laws of and domiciled in this state, and the person, company, firm, association, group, corporation, or insurance organization met the requirements before 1/30/1957.

A special purpose assessment is an assessment that only applies to insurance companies and for losses or deficits such as guaranty association assessments, high risk health pool assessments, joint underwriting association (JUA) assessments, windstorm association assessments, or other similar assessments, both under the laws of this state and under the laws of any other state or territory. Assessments that may be directly passed through to policyholders or that can otherwise be recouped are not to be used in the retaliatory tax computation.

I.C. §§ 281.001 to 281.052 (cont.)

In determining an insurer’s taxes or other charges, the comptroller may not consider an ad valorem tax on property, a personal income tax, a sales tax, a surcharge that an insurer may recover directly from policyholders, or an assessment for a special purpose, such as an assessment for a guaranty association, high risk health pool, joint underwriting association, windstorm association, or other similar assessments, both under the law of this or other state, or territory.

The Comptroller by rule may enter into a reciprocity agreement with another state under which the parties agree to mutually set aside retaliatory provisions in situations in which this state and the other state determine that retaliation is not the preferred approach to protect their domestic insurers from excessive taxation or other financial obligations.

CAPCO credits should not be included in the retaliatory tax calculation.

The Rural Volunteer Fire Department Assistance Fund assessment and the Automobile Burglary and Theft Prevention Authority assessment may be recouped directly from policyholders and may not be used in Texas retaliatory tax computations.

Title insurance: Based on the “division of premium” between title insurers and title agents in Texas, include only the title insurers portion of the premium and maintenance tax liability due in the retaliatory tax computation for Texas. Because the title agent is responsible for his portion of the premium and maintenance tax in Texas, these amounts should not be included in the Texas column of the retaliatory worksheet.

Utah

§§ 31A-3-401 to 31A-3-402

When other states charge Utah insurers or their representatives taxes, licenses, fees, deposit requirements, etc. in excess of the amounts Utah would charge insurers of that state, retaliation will occur. Any tax imposed by political subdivisions is considered imposed by the state. This provision does not apply to personal income taxes, ad valorem taxes on real or personal property, nor to special purpose obligations in connection with particular kinds of insurance, except when taken in account by the other states for retaliation. Retaliation is considered both on the premium tax return and when documents are filed. The commissioner has authority to waive, by regulation, retaliatory fees for a person doing business in Utah or seeking to do business in Utah.

Vermont

tit. 8 § 3367

When fees, fines, penalties, deposits, etc. imposed on a Vermont insurer are in excess of those Vermont would impose on a similar insurer, retaliation will occur.

tit. 32 § 8555

When taxes imposed by another state on Vermont insurers exceed those Vermont charges foreign insurers, retaliation will occur.

Virginia

§ 38.2-1026

When a Virginia domestic insurer or agent is subject to costs for deposits, taxes, fines, penalties or fees, etc. greater in the aggregate than those imposed on insurers or agents by Virginia, retaliation will occur. Every year the bureau computes average additional charges for use on the tax return where municipalities charge fees and taxes.

Washington

§ 48.14.040

When taxes, licenses, fees, deposits, etc. in the aggregate charged Washington insurers are higher than the taxes, licenses, fees, deposits, etc., which Washington imposes on similar foreign insurers, retaliation will occur. The regulatory surcharge imposed by RCW 48.02.190 is not included in the retaliatory calculation.

West Virginia

§§ 33-3-16, 33-12B-8

If taxes, fees, fines, penalties, licenses, deposit requirements, etc. imposed on West Virginia insurers, agents or adjusters in the aggregate exceed those imposed by West Virginia on insurers or agents from other states, retaliation will occur. Any tax, license or other obligation imposed by a city, county or other political subdivision shall be deemed to be imposed by the state. The provisions of this section do not apply to ad valorem taxes on real or personal property or to personal income taxes.

Wisconsin

§ 601.55 Fees and Other Obligations

If another state requires Wisconsin domestics to make a deposit, pay a fee, or pay a tax not included in the Wisconsin computation, which is greater than Wisconsin charges nondomestic insurers, Wisconsin may retaliate on an item-by-item basis.

§ 76.66 Taxes

If another state requires Wisconsin domestics to pay taxes greater, in the aggregate, than Wisconsin charges similar insurers, retaliation occurs. Taxes defined as general purpose revenue taxes and fire insurance dues less security fund assessment credits.

§ 76.67 Reciprocity

Wisconsin will not charge foreign insurers more than that insurer's state charges Wisconsin domestics subject to an aggregate minimum of 2% of fire dues, 2% of life insurance and .375% on fire and marine insurance.

Wyoming

§ 26-3-130

Wyoming will impose the same taxes, licenses and other fees, in the aggregate, on any insurer or its representative, and the same fines, penalties, deposit requirements, etc. as imposed on Wyoming insurers by other states. This does not apply to application fees, examination fees, license fees, appointment and continuation fees for agents, adjusters, service representatives or consultants, or personal income taxes, ad valorem taxes on real or personal property or assessments imposed by other states in connection with particular kinds of insurance except property insurance, except if the other state considers these in determination of retaliatory taxes.